

SENATE BILL 213

J1
HB 15/09 – HGO

0lr1506
CF HB 33

By: **Senators Frosh, Dyson, Exum, Garagiola, Gladden, Harrington, Jones, Kelley, Lenett, Madaleno, Peters, Pinsky, Pugh, Raskin, ~~and Rosapepe~~ Rosapepe, Middleton, Astle, Della, Glassman, and Klausmeier**

Introduced and read first time: January 21, 2010

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 23, 2010

CHAPTER _____

1 AN ACT concerning

2 **Child Care Articles ~~and Toys~~ Containing Bisphenol-A – Prohibition**

3 FOR the purpose of prohibiting the manufacture, sale, or distribution of certain ~~toys or~~
4 child care articles containing bisphenol-A; requiring a person to use the least
5 toxic alternative; prohibiting a person from using certain carcinogens or certain
6 reproductive toxicants when complying with a certain provision of this Act;
7 requiring the Department of Health and Mental Hygiene to adopt certain
8 regulations on or before a certain date; providing for a certain penalty; defining
9 ~~certain terms~~ a certain term; and generally relating to certain ~~toys and~~ child
10 care articles containing bisphenol-A.

11 BY adding to

12 Article – Health – General
13 Section 24-304
14 Annotated Code of Maryland
15 (2009 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 **24-304.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) (1) IN THIS SECTION, ~~THE FOLLOWING WORDS HAVE THE~~
2 ~~MEANINGS INDICATED.~~

3 ~~(2) "CHILD CARE ARTICLE" MEANS A CONSUMER~~
4 ~~PRODUCT DESIGNED OR INTENDED BY THE MANUFACTURER TO FACILITATE~~
5 ~~SLEEP OR THE FEEDING OF CHILDREN UNDER THE AGE OF 4 YEARS OR TO HELP~~
6 ~~A CHILD WITH SUCKING OR TEETHING AN EMPTY BOTTLE OR CUP TO BE FILLED~~
7 ~~WITH FOOD OR LIQUID THAT IS DESIGNED OR INTENDED BY A MANUFACTURER~~
8 ~~TO BE USED BY A CHILD UNDER THE AGE OF 4 YEARS.~~

9 (2) IF A FEDERAL LAW REGULATING THE USE OF BISPHENOL-A
10 IN CHILD CARE ARTICLES IS ENACTED, "CHILD CARE ARTICLE" SHALL BE
11 DEFINED AS SPECIFIED IN THE FEDERAL LAW.

12 ~~(3) "CHILDREN'S TOY" MEANS A TOY OR ANY OTHER CONSUMER~~
13 ~~PRODUCT DESIGNED OR INTENDED BY THE MANUFACTURER FOR A CHILD~~
14 ~~UNDER THE AGE OF 13 YEARS FOR USE BY A CHILD WHEN THE CHILD PLAYS.~~

15 (B) ON OR AFTER ~~JANUARY 10, 2011~~ JANUARY 1, 2012, A PERSON MAY
16 NOT MANUFACTURE, KNOWINGLY SELL, OR DISTRIBUTE IN COMMERCE ANY
17 ~~CHILDREN'S TOY OR~~ CHILD CARE ARTICLE CONTAINING BISPHENOL-A.

18 (C) IN COMPLYING WITH SUBSECTION (B) OF THIS SECTION, A PERSON:

19 (1) SHALL USE THE LEAST TOXIC ALTERNATIVE WHEN
20 REPLACING BISPHENOL-A; AND

21 (2) MAY NOT REPLACE BISPHENOL-A WITH:

22 (I) CARCINOGENS RATED BY THE UNITED STATES
23 ENVIRONMENTAL PROTECTION AGENCY AS GROUP A, B, OR C CARCINOGENS;
24 OR

25 (II) REPRODUCTIVE TOXICANTS THAT CAUSE BIRTH
26 DEFECTS, REPRODUCTIVE HARM, OR DEVELOPMENTAL HARM AS IDENTIFIED BY
27 THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

28 (D) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A
29 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
30 \$10,000 FOR EACH VIOLATION.

31 (E) ON OR BEFORE JANUARY 1, 2011, THE DEPARTMENT SHALL ADOPT
32 REGULATIONS TO CARRY OUT THIS SECTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October~~ July 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.